

Draft Ordinance Dunwoody text amendment
Chickens in single family residential zoning

Chapter 27, Article 34, Division 3, Section 176 ~~§4-10.1~~ "Chickens in Single Family Residence Districts".

(a) *Purpose and intent.* The purpose and intent of the City Council in enacting the following regulations is to allow Dunwoody citizens the right to keep and raise backyard chickens in all single family residential zoning districts in the City of Dunwoody. Further, the City Council finds it appropriate to regulate backyard chicken raising in the manner presented in this section, so as to be permissive enough to easily allow citizens to keep chickens on their property, but restrictive enough to protect the interests of neighboring residents from unnecessary noise, ~~and~~ odor, and the invitation of rodents, wild birds and predatory animals to the property. Additionally, these regulations are intended to ensure the humane treatment of animals.

(b) *Prior Authorization.*

- (1) A person seeking to keep and raise chickens on a single family property shall first submit an application for zoning approval to the Community Development Department. The Community Development Director or their designee shall develop an application for and determine the submittal requirements for the review of these requests.
- (2) In order to obtain zoning approval, persons keeping chickens must show that they can meet the requirements of this Ordinance by providing a sketch site plan showing the property and dimensions of the back yard including the proposed location of all required structures. The City may conduct site inspections of the subject property to make compliance determinations under this Ordinance prior to and after zoning approval. The Community Development Director may withhold zoning approval if he/she determines that the applicant cannot meet the requirements of this Ordinance.
- (3) ~~Each lot owner shall be required to apply for and obtain a permit for housing of chickens from the City Community Development Department. As part of the application, the lot owner shall provide the City with proof of purchase or construction of a coop as dictated by this section and pursuant to industry standards. Prior to obtaining a permit~~ zoning approval, the City ~~shall~~ may inspect the applicant's lot for compliance with ~~the City Codes~~ and this section, and zoning approval ~~the issuance of the permit~~ shall grant the right to a City Code Enforcement Officer to enter onto applicant's lot at any time to investigate any chicken-related complaints or concerns.

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(4) This Ordinance does not authorize persons to violate applicable restrictive covenants and/or homeowners' association rules and regulations. Persons applying for and receiving zoning approval under this Ordinance are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations

(c) General regulations.

(1) For the purposes of this Ordinance, the term "chicken" refers to female chickens only (i.e., hens). Roosters and crowing hens, ducks, geese, turkeys and other poultry or fowl are prohibited in the City of Dunwoody.

~~(1)~~(2) Feed and any other food source provided to the chickens shall be stored in predator-proof containers.

(3) Every person who owns, controls, keeps, maintains or harbors chickens must keep them confined on the premises at all times within a chicken coop or chicken run unless a person is supervising the chickens within the confines of a fenced rear yard on the same premises as the coop. After a person has completed the personal interaction and supervision of chickens within the confines of the fenced rear yard, the chickens shall be returned to the coop or run enclosure.

~~(2) When not in the coop, chickens must be supervised by the owner or agent thereof. When no humans are immediately present and supervising the chickens, they shall be kept securely within the predator-proof coop.~~

(4) Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.

(5) Chickens shall not be slaughtered on premises.

(6) The construction of chicken coops and runs shall comply with all applicable building codes.

~~(e)~~(7) Maximum number of chickens allowed per residential lot:

- i. Lots between 10,000 and 15,000 square feet – up to six (6) chickens
- ii. 15,001 square feet up to one (1) acre – up to eight (8) chickens
- iii. Lots over one (1) acre – up to eight (8) chickens per acre of lot size, or fraction thereof.

No chickens may be kept on lots under 10,000 square feet.

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~~(3)~~(8) If the provisions of this section conflict with any other provisions of the City of Dunwoody Code of Ordinances, the provisions contained in this section shall control.

(d) Requirements for Chicken Coops and Enclosures/Runs.

(1) Chickens shall be securely housed in coops and provided with runs.

~~1~~(2) Coops shall not exceed six (6) feet in height above grade and must allow for a footprint of at least two (2) square feet per chicken housed in the coop. The maximum single coop footprint size is forty (40) square feet. The minimum ground space required per chicken in a run is five (5) sq. ft.

~~2~~(3) Coops and runs must be kept clean, sanitary and free from standing water at all times. Coops and runs shall be constructed, designed and maintained in such a way as to be impermeable to and free of rodents, vermin, wild birds, and predators, including, but not limited to, cats, coyotes, dogs, raccoons and skunks.

~~3~~(4) Coops and runs must be located in the rear yard of the lot.

~~4~~(5) Coops and runs must be setback no less than ~~twenty~~ thirty-five (~~20~~35) feet from the rear property line and no less than fifteen (15) feet from side property lines. Coops and runs must be a minimum of 20 feet from corner side lot lines.

(6) The maximum size of the total coop and run area shall be one hundred (100) square feet. Mobile coops shall be prohibited unless properly anchored to the satisfaction of the Building Official or his/her designee.

(7) Nothing in this section shall prevent construction of a coop and pen to abut the side of an applicant's house, so long as it otherwise meets the requirements of the Code of Ordinances.

(8) Runs must be situated on a well-drained area that allows the chickens to have access to dry ground at all times. Feces shall be removed and disposed of, composted or land applied in a manner to avoid odor.

~~5~~(9) As provided for herein, the keeping of chickens is not considered an 'agricultural' activity.

(e) D. Health, sanitation and nuisance as applied to the keeping of chickens.

(1) Chickens shall be kept within a coop and run. No person shall release or set any chicken free from such coop or enclosure except as set forth in section (c)(3), above. Chickens shall not be permitted to trespass on neighboring properties.

(2) Chicken coops and runs shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition on-site or on adjacent property.

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(f) E. Violations.

~~1.~~(1) Failure of ~~lot owner~~ the applicant to abide by all the applicable regulations of this section, the City of Dunwoody Code of Ordinances, or any state or federal law regarding chicken-raising and/or coops, shall be a violation ~~of City Ordinances punishable pursuant to Chapter 1-3-1(a)~~ of the City of Dunwoody Code of Ordinances.

~~2.~~(2) The applicant or property owner shall be jointly responsible for compliance with all provisions of this Section.

(3) No person convicted as a repeat violator of subsections (a) – (e) ~~A. through E.~~ of this Ordinance may will be permitted to, or continue to, keep chickens on their premises.